

## SCHEDULE 2

Saving and transitional provisions in respect of Part 10A of,  
and Schedule 9A to, the 1989 Act, and Part 3 of the 2006 Act

### PART 1

Registration on 1st September 2008

#### Arrangements in respect of specified early years providers

7.—(1) This paragraph applies where immediately before the transfer date—

- (a) child minding is provided on domestic premises in circumstances in which, if it were to be provided on or after that date, it would not be early years childminding by virtue of section 96(5) of the 2006 Act<sup>(1)</sup>; and
- (b) the persons providing the child minding are all registered under section 79F(1) of the 1989 Act.

(2) If, before the transfer date, the Chief Inspector is given notice of the provision referred to in sub-paragraph (1), and the conditions in sub-paragraphs (6) and (7) are met, the Chief Inspector must register the person referred to in sub-paragraph (6)(a) as follows—

- (a) as an early years provider other than a childminder under section 37(2) of the 2006 Act, in respect of the premises in question; and
- (b) as a provider of childcare other than a childminder under section 64(2) of the 2006 Act, in respect of the premises in question.

(3) Where the conditions in sub-paragraphs (6) and (7) are complied with before the transfer date, the Chief Inspector must register the person referred to in sub-paragraph (6)(a) on that date in respect of the provision referred to in sub-paragraph (1), as provided for in sub-paragraph (2)(a) and (b).

(4) Where the conditions in sub-paragraphs (6) and (7) are not complied with until after the transfer date, the Chief Inspector must register the person referred to in sub-paragraph (6)(a) in respect of the provision referred to in sub-paragraph (1), as provided for in sub-paragraph (2)(a) and (b) as soon as is practicable, and that person shall, for the purposes of regulation 3A of the Early Years Foundation Stage (Welfare Requirements) Regulations 2007<sup>(2)</sup>, be treated as having been so registered on the transfer date.

(5) Where notice has been given in accordance with sub-paragraph (2) but the conditions in sub-paragraphs (6) and (7) are not complied with before the transfer date, section 33(1) of the 2006 Act does not apply to the provision referred to in sub-paragraph (1) until—

- (a) the conditions in sub-paragraphs (6) and (7) are met; or
- (b) where those conditions are not met before 1st April 2009, that date.

(6) The conditions are that by no later than 1st April 2009, the Chief Inspector is informed—

- (a) of the name and address of the person who is to be registered in accordance with sub-paragraph (2), including whether the person to be registered is an individual, partnership, body corporate or unincorporated association; and

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(1) Section 96(5) of the 2006 Act provides that early years provision on domestic premises for reward is not early years childminding if at any time the number of persons providing the early years provision on the premises or assisting with the provision exceeds three.

(2) [S.I. 2007/1771](#), as amended by the Early Years Foundation Stage (Welfare Requirements) Regulations 2008 ([S.I. 2008/1953](#)). Regulation 3A provides for a period of two and a half years for the staff of an early years provider other than a childminder to obtain the qualifications required by the Statutory Framework for the Early Years Foundation Stage document.

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- (b) of the full name of the person who will manage(3) the early years provision in pursuance of the registration.
- (7) Where the Chief Inspector is informed that the person to be registered is a partnership, body corporate or unincorporated association—
  - (a) the notice must also include the full name of the person who will be the nominated individual(4); and
  - (b) that person must be a partner in, or a director, secretary, other officer or member of the governing body of, the body to be registered.

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(3) Paragraph 6 of Schedule 2 to the Early Years Register Regulations 2008 requires an applicant for registration in the early years register as an early years provider other than a childminder to appoint an individual to manage the early years provision. Paragraphs 7 and 8 impose other requirements relating to the manager.

(4) Paragraphs 9 to 12 of Schedule 2 to the Early Years Register Regulations 2008 impose requirements relating to the “nominated individual”, where an applicant for registration in the early years register as an early years provider other than a childminder is a partnership, body corporate or unincorporated association.